



MISSOURI ETHICS COMMISSION

P.O. Box 1370

Jefferson City, MO 65102

www.mec.mo.gov

(573) 751-2020 / (800) 392-8660

Elizabeth L. Ziegler
Executive Director

January 9, 2019

Ian Thomas
701 E. Broadway
Columbia, MO 65201

RE: Personal Financial Disclosure due

Dear Sir/Madam:

Your name has been submitted to the Missouri Ethics Commission (MEC) by a Political Subdivision (examples: school district, county, city, ambulance district, fire district, etc.) as an individual holding a position required by 105.483, RSMo, to file a Financial Disclosure Statement for Political Subdivisions (PFD). If you served all or only a portion of 2018, you **must** file a PFD for the time period you served.

In order to be timely filed, a PFD must be received in our office by **5:00 p.m. May 1, 2019**, unless you are a **candidate** in an election this year. If you are a candidate in any of the elections listed below, please note the following due dates:

April 2, 2019 General Municipal Election - PFD Due: January 29, 2019. If not filed by February 5, 2019, you could be disqualified as a candidate and removed from the ballot.

If you are a candidate in a city with a Primary Election, please refer to the "Notice to Candidate" you received when filing for office for the PFD deadlines.

Penalties for failure to file timely (if any) are assessed by the political subdivision according to their ordinance.

You can electronically file your PFD from our website using the MEC Filer ID and Password below:

MEC Filer ID: F1202158

Password: [REDACTED]

Follow the steps below to file electronically:

- STEP 1:** Go to the MEC website, www.mec.mo.gov. In the column on the right side of MEC homepage, select Login. Sign in by entering your MEC Filer ID and select Sign In.
- STEP 2:** Your MEC Filer ID will be displayed. Enter your Password and select Login.
- STEP 3:** Review the information on this page and press continue. Complete and submit the electronic filing. Upon successful filing, you will receive an email confirmation. Print a copy of the PFD and give it to the Clerk of your Political Subdivision.

If you prefer to file a paper copy of your statement, it must be postmarked no later than the day before your PFD is due, and must contain an original signature. No faxed copies are accepted. If you have any questions, feel free to contact the Commission at PFDOonline@mec.mo.gov or call (800) 392-8660.



MISSOURI ETHICS COMMISSION

PO Box 1370, Jefferson City, MO 65102, (800) 392-8660, www.mec.mo.gov

FINANCIAL DISCLOSURE STATEMENT FOR POLITICAL SUBDIVISIONS

1. Statement Type

NEW

2. Filing Status & Time Period Covered

A. Filer Status

X Annual Filer: file from Jan 1 to Dec 31 of prior year (If no longer serving, enter the time period served), due by May 1

Newly Appointed/Employed: file for calendar year before start date, due within 30 days

Incumbent Candidate: file from Jan 1 of prior year to closing date for candidacy (may be longer than 12-month period), due within 14 days of closing date for candidacy

X New Candidate: file for the 12-month period before the closing date for candidacy, due within 14 days of closing date for candidacy

B. Time Period Covered: From 1/1/2018 To 1/22/2019

3. Filer's Information

Ian Thomas

Filer's name (First, Middle, Last)

2616 Hillshire Drive

Mailing Address

Columbia, MO 65203

City/State/Zip

Jack Thomas

Dependent Child(ren)'s name

Ellen Thomas

Spouse's Name (First, Middle, Last)

City of Columbia

Ward 4 Council Member

City of Columbia

Candidate Councilman Ward 4

Political Subdivision or State Agency

Title (Position/Office Seeking)

☐ Check if spouse is filing separate from yourself (If your spouse is not required to file a PFD, this statement MUST disclose his/her information).

* Includes all children, stepchildren, foster children and wards under the age of eighteen residing in the person's household and who receive in excess of 50% of their support from the person.

4. Transaction Information

A. List the transactions, valued at more than \$500, you, your spouse, or any relative within the first degree of blood or marriage had with the political subdivision listed above. Do not include compensation received as an employee, payment of taxes, fees or penalties or transfers for no consideration.

N/A

N/A

Date

Parties Involved in transaction

B. List the transactions for any business entity in which you, your spouse, or your dependent child(ren) held a substantial interest, that conducted business with the political subdivision listed above valued at more than \$500. Do not include payments of taxes, fees or penalties due to the political subdivision or transactions involving payments for providing utility service to the political subdivision or transfers for no consideration. (NOTE: Substantial interest includes ownership of 10% of the business entity or interest valued at \$10,000 or more, or from which a salary, gratuity or other compensation of \$5,000 or more is paid per calendar year).

N/A

N/A

N/A

Date

Name of Business

Parties involved in transaction

5. Signature

AGREE I affirm and attest under penalty of perjury that information and facts in this report are complete, true, and accurate. I further acknowledge that I am aware that any false statement or declaration made herein is punishable under Ch. 575 RSMo.

N/A I affirm and attest under penalty of perjury that information and facts in this report are complete, true, and accurate and that my spouse has refused or failed to provide information concerning his or her financial interest and that I have no working knowledge of such interests. I further acknowledge that I am aware that any false statement or declaration made herein is punishable under Ch. 575 RSMo.

ELECTRONICALLY FILED

1/11/2019 10:51:22 AM

Filer Electronic Signature

Date (mm/dd/yyyy)

NOTE: The following information is REQUIRED from the Chief Administrative Officer and Chief Purchasing Officer ONLY. Include Information for filer, spouse and dependent child(ren).

6. Employment

List the name and address of each employer from who you, your spouse, or dependent child(ren) received income of \$1,000 or more during the period covered by this statement.

N/A	N/A	N/A
Employer Name	Employer Address/City/State/Zip	Person's name who received income

7. Sole Proprietorships

List each sole proprietorship owned by you, your spouse, or dependent child(ren) during the time period covered by this statement.

N/A	N/A
Sole Proprietorship Name	Sole Proprietorship Address/City/State/Zip

8. General Partnerships, Joint Ventures

List each general partnership and joint venture in which you, your spouse, or dependent child(ren) were a partner or participant and the names of partners or co-participants, unless such names and addresses are filed with the Secretary of State during the time period covered by this statement.

N/A	N/A	N/A	N/A	N/A
General Partnership or Joint Venture Name	Address/City/State/Zip	Nature of Business	Partner/Coparticipant's Name and Address	Party Involved

9. Stocks, Bonds, and Other Holdings

EXCEPTION: Interest in any qualified plan or annuity pursuant to the Employees Retirement Income Security Act (ERISA) is not required to be listed.

- A. *Limited Partnerships, Closely-held Corporations:* List the name of any closely-held corporation/limited partnership in which you, your spouse, or dependent child(ren) own ten percent (10%) or more of any class of outstanding stock or units during the time period covered by this statement.
- B. *Publicly Traded Corporation or Limited Partnership:* List the name of any publicly traded corporation or limited partnership which is listed on a regulated stock exchange or automated quotation system in which you, your spouse, or dependent child(ren) own two percent (2%) or more of any class of outstanding stock, units or other equity interests during the time period covered by this statement.

N/A	N/A	N/A	N/A
Entity	Type	Nature of Business	Party Involved

10. Corporations

List the name and address of each corporation for which you, your spouse, or dependent child(ren) served in the capacity of a director, officer or receiver during the time period covered by this statement.

N/A	N/A	N/A
Corporation Name	Corporation Address/City/State/Zip	Person's name who served capacity

This form is required to be filed with Missouri Ethics Commission AND with the governing body of your political subdivision. All elected and appointed officials as well as employees of a political subdivision must comply with section 105.454 RSMo on conflicts of interest and their local code of ethics.

NOV 26 2018

2616 Hillshire Drive
Columbia, MO 65203

19 November, 2018

Laura Elsbury, General Counsel
Missouri Ethics Commission
3411A Knipp Drive
Jefferson City, MO 65109

Concerning: Possible Ethical Violation of Section 105.452.1(1) RSMo.

Dear Ms. Elsbury:

Thank you for discussing my possible ethical violation of Section 105.452.1(1) RSMo. with me on the phone today. While I do not believe I violated the statute, I am concerned that even discussing the possibility of taking actions which could have violated the statute, may constitute an ethical violation. With this letter, I am following up to provide documentation of what happened, which I would like the Missouri Ethics Commission to keep on file and include in any possible future investigation.

In reference to City of Columbia Council Bill B 292-18 (application for annexation, zoning, and preliminary plat for a 165-home subdivision, scheduled for public hearing on 19 November and vote on 3 December):

- In October, I asked the applicants to consider including a few "affordable housing" units in their site plan, to help address Columbia's affordable housing shortage.
- After some research and consideration, the applicants responded that they could not include affordable housing in the site plan, but would be willing to make a payment to the Columbia Community Land Trust (CCLT), to help pay for affordable homes elsewhere in the city.
- I reached a proposed agreement with the applicants that, if they voluntarily paid \$40,000 to the CCLT (the approximate subsidy required to create one affordable home), I would support their request and make the case to other City Council members that this agreement would benefit the city - the payment contemplated would in no way have benefited me, or any member of my family.
- At the time of the proposed agreement, the City's CCLT management staff and another member of the City Council members and were aware of the proposed agreement and were in favor of it - there was never any attempt to conceal information from anyone.
- On November 15, City of Columbia Attorney Nancy Thompson reviewed the proposed agreement, and informed me that completing the proposed agreement would likely be in violation of Section 105.452.1(1) RSMo., as I would have taken official action in exchange for a payment to be made to a third party.
- The applicants and I cancelled our proposed agreement and I will recuse myself from all discussion and the vote on this ordinance.

I have included with this correspondence Council Bill B 292-18, a staff memo related to the ordinance, and an email chain documenting the creation and subsequent cancellation of the proposed agreement.

Feel free to contact me if you have any comments or questions

Sincerely,



Ian Thomas
Ward 4 Council member, City of Columbia
Ward4@como.gov, 573-239-7916

Subject: Re: Proposal to cancel agreement

Date: Friday, November 16, 2018 at 1:20:54 PM Central Standard Time

From: Ian Thomas

To: Jay Gebhardt

CC: Mike Trapp, Justin Barnes, Shannon Sapp, Tim Teddy, Brent Brown, Cody Darr, Kevin Murphy, Will Scheible, rlcole@gocolumbiamo.com, nancy.thompson@como.gov, mematthe@gocolumbiamo.com

Hi, Jay and everyone:

I just want you to know that I have reported my actions to the Missouri Ethics Commission, and I plan to recuse myself from the public hearing and vote on the annexation, zoning, and plat.

Cheers, Ian

From: Jay Gebhardt <jay@acivilgroup.com>

Date: Friday, November 16, 2018 at 7:55 AM

To: Ian Thomas <ward4@como.gov>

Cc: Mike Trapp <ward2@gocolumbiamo.com>, Justin Barnes <Justin@bristollakehomes.com>, Shannon Sapp <horizonbuildersmo@gmail.com>, Tim Teddy <Timothy.Teddy@como.gov>, Brent Brown <brent@acivilgroup.com>, Cody Darr <cody@acivilgroup.com>, Kevin Murphy <kevin@acivilgroup.com>, Will Scheible <Will@acivilgroup.com>, Randy Cole <rlcole@gocolumbiamo.com>, <nancy.thompson@como.gov>, Mike Matthes <mematthe@gocolumbiamo.com>

Subject: Re: Proposal to cancel agreement

Ian

We agree that no one wants to do anything that is even perceived as illegal or unethical and we agree we all should cancel our agreement.

As you know we were trying to respond to your request for inclusionary zoning and affordable housing as we respond to all requests and comments made by the City and neighbors.

Thanks

jay

Jay Gebhardt, PE, PLS
A Civil Group
3401 Broadway Business Park Ct., Suite 105
Columbia, MO 65203

Office - 573-817-5750
Cell - 573-864-9811

On Thu, Nov 15, 2018 at 5:06 PM Ian Thomas <ward4@como.gov> wrote:

Hello, Jay and everyone:

I have been advised by the City Attorney that the negotiation we have had over the last few days may be illegal. Based on her information (below), I suggest we agree to cancel our agreement, and we'll just see how things play out during the public hearing and council vote.

I appreciate your willingness to engage in this important conversation with the goal expanding affordable housing in Columbia, and I am convinced none of us has done anything unethical.

Cheers, Ian

From: Nancy Thompson <nancy.thompson@como.gov>

Date: Thursday, November 15, 2018 at 4:46 PM

To: Ian Thomas <ward4@como.gov>, Mike Matthes <mematthe@gocolumbiamo.com>

Cc: Mike Trapp <ward2@gocolumbiamo.com>

Subject: RE: Follow-up from yesterday's meeting

No. It is unlawful for the city to accept funds in consideration of favorable action on the developer's application. Any such requirement which is not authorized by the current city code requirements needs to be considered outside the scope of an individual project and not tied to a particular project application.

I draw your attention to the statutes that relate to conflicts of interest and lobbying and encourage you to consult with a private attorney to determine whether or not you need to take any corrective action with regard to the statements contained within the email string between you and the developer's representative. The statutes are contained in Section 105.450 through 105.482 RSMo.

<http://revisor.mo.gov/main/OneChapter.aspx?chapter=105> In particular, please examine Section 105.452.1(1) RSMo., which provides, in pertinent part, as follows:

No elected ... official ... of ... any political subdivision thereof shall: (1) Act or refrain from acting in any capacity in which he is lawfully empowered to act as such an official ... by reason of any payment, offer to pay, promise to pay, or receipt of anything of actual pecuniary value paid or payable, or received or receivable, to himself OR ANY THIRD PERSON, including any gift ... made or received in relationship to or as a condition of the performance of an official act...

You may have the best of intentions in discussing this matter with the developer; however, the email thread gives the impression that you will vote in favor of the proposed project if there is a negotiated payment to the CCLT, which is a private entity. The payment does not appear to have any connection to any existing city code requirement or any of the factors to be considered with regard to the appropriateness of the annexation or zoning request. As you know, a councilmember is required to keep an open mind and be fair and impartial in the decision-making on zoning and annexation matters until after all of the evidence from all testimony is presented at the public hearing on such matters. After the public hearing, there may be

discussion on the criteria set forth in the city code for annexations and zoning decisions, but not new criteria which are not currently contained within the city code.

I reiterate - please be aware that any attempt by the developer to influence your vote by offering to provide a monetary benefit to a third party on a project where the payment is outside the scope of authorized factors for consideration could be unlawful if such payment is not authorized under the current city code. Likewise, any commitment from you to vote favorably on a matter coming before the council may not be based on a monetary contribution to a third party.

Prior to taking any additional action or communicating with the developer (or anyone else) on this matter, I strongly encourage you to consult with a private attorney about whether you may be able to act in a fair and impartial manner on this application going forward (or whether you should completely recuse yourself from any further action) and/or what remedial actions you may need to take to redact or clarify your statements in the email chain to ensure you have not violated the conflict of interest and/or lobbying laws.

n.

Nancy Thompson

City Counselor

City of Columbia Law Department

701 East Broadway

PO Box 6015

Columbia, Missouri 65205

Office: (573) 874-7223

Direct: (573) 874-7227

nancy.thompson@como.gov

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From: Ian Thomas [mailto:ward4@como.gov]
Sent: Thursday, November 15, 2018 2:55 PM
To: Nancy Thompson; Mike Matthes
Cc: Mike Trapp
Subject: FW: Follow-up from yesterday's meeting

Hi Mike-M and Nancy:

Thanks for your voicemail, raising the same concerns Randy Cole mentioned, below. Can you advise us on the correct process to create an account to receive the funding these developers are willing to contribute to affordable housing programs in Columbia?

Cheers, Ian

From: Randall Cole <Randall.Cole@como.gov>
Date: Thursday, November 15, 2018 at 1:29 PM
To: Ian Thomas <ward4@como.gov>
Cc: Jay Gebhardt <jay@acivilgroup.com>, Mike Trapp <ward2@gocolumbiamo.com>, <Justin@bristollakehomes.com>, shannon sapp <horizonbuildersmo@gmail.com>, "Teddy, Timothy" <Timothy.Teddy@como.gov>, <brent@acivilgroup.com>, <cody@acivilgroup.com>, Kevin Murphy <kevin@acivilgroup.com>, <Will@acivilgroup.com>
Subject: Re: Follow-up from yesterday's meeting

I assume yes, but legal and finance dept would need to weigh in here. I assume Council would need to pass an ordinance creating a funding account, as well as to appropriate funds within the City's budget.

Randy Cole

City of Columbia

573-874-6321

On Thu, Nov 15, 2018 at 12:43 PM Ian Thomas <ward4@como.gov> wrote:

Hi Randy:

Thanks for raising very legitimate concerns. Can we simply use the developers' \$40,000 contribution to open a

new "Housing Trust Fund" to be used for affordable housing programs?

Cheers, Ian

From: Randall Cole <Randall.Cole@como.gov>
Date: Thursday, November 15, 2018 at 11:33 AM
To: Ian Thomas <ward4@como.gov>
Cc: Jay Gebhardt <jay@acivilgroup.com>, Mike Trapp <ward2@gocolumbiainmo.com>, <Justin@bristollakehomes.com>, shannon sapp <horizonbuildersmo@gmail.com>, "Teddy, Timothy" <Timothy.Teddy@como.gov>, <brent@acivilgroup.com>, <cody@acivilgroup.com>, Kevin Murphy <kevin@acivilgroup.com>, <Will@acivilgroup.com>
Subject: Re: Follow-up from yesterday's meeting

Ian-

I think it is exciting that we are all thinking outside of the box on ways to further fund one aspect of affordable housing needs in our community, and I appreciate all the support you provide to the work we do. I have a couple of thoughts I'd like to share with regards to the direction this is potentially heading.

I am a bit conflicted with having these funds go directly towards the Columbia Community Land Trust (CCLT). The CCLT is young and definitely needs to build capacity and funding, however I am concerned with this path. I think there is high potential for negative appearances to be placed upon the CCLT, and \$40k might not be worth it as a short-term gain. The mention of this at the next Council meeting will have implications for the CCLT and the CCLT Board has not collectively decided that they support accepting funds obtained in this manner. The current CCLT Board President, Anthony Stanton, also serves on the Planning and Zoning Commission and voted in favor of approving the Oakland Crossing Development with no knowledge of how this discussion came to be. I'm concerned with potentially exposing Anthony to an appearance of a conflict of interest. The very night Oakland Crossing went before P&Z, the Cullimore Cottages project also went before P&Z. Anthony recused himself from the Cullimore Cottages project and I suspect he would have recused himself from the Oakland Crossing vote if he would have known the direction this was potentially heading.

Also, my primary role is to oversee City funds allocated to the broad array of affordable housing and community development needs and organizations that serve those needs within our community (homelessness, rental, ownership, etc...), as well as to staff the CCLT. I am concerned with the funds going straight to the CCLT, rather than through our formal processes that ensure we allocate funds for affordable housing in a manner that aligns with our overall strategies and community needs. Typically, other communities that allow a payment in-lieu of providing affordable units have these funds go into a local "Housing Trust Fund" consisting of CDBG, HOME, and any additional local sources (real estate transfer fee, property tax, etc...), which a public body (like the Community Development Commission) then makes recommendations to Council for funding allocations. These funding allocations are then made based upon on a broader affordable housing strategy as outlined in a City's Consolidated Plan. I am excited at the potential for the CCLT to obtain additional funding, however I think the

ultimate goal would be adding additional funds to compliment our broader strategy for addressing the continuum of affordable housing needs. That all being said, I will proceed in alignment with Council policy and as directed.

Randy Cole

City of Columbia

573-874-6321

On Thu, Nov 15, 2018 at 10:24 AM Ian Thomas <ward4@como.gov> wrote:

Hi Jay:

Mike and I agree with your counter-proposal with one exception – we want the total amount provided to CCLT to be \$40,000, payable as \$242 per lot at the time of each building permit.

The amount of \$40,000 is approximately equal to the construction subsidy for a single affordable home and this will allow us to frame the agreement that way to other Council members and the public. In return, we will champion your project (and especially your willingness to make a philosophical and substantial commitment in support of the inclusionary zoning concept) and urge other Council members to support an amendment to make the Prathersville Road corner property M-C, and the overall annexation, zoning, and plat.

If you agree with this, I will write to Council members before Monday's meeting (via Sheela) explaining the agreement we have reached and why it benefits the City in the big picture. I do not believe we need to draft the amendment or revise the development agreement before Monday's meeting since it is only a public hearing, with the vote scheduled on Dec. 3, but maybe Tim could weigh in on that point?

Cheers, Ian

From: Jay Gebhardt <jay@acivilgroup.com>

Date: Wednesday, November 14, 2018 at 3:32 PM

To: Ian Thomas <ward4@como.gov>, Mike Trapp <ward2@gocolumbiamo.com>

Cc: Justin Barnes <Justin@bristolakehomes.com>, Shannon Sapp <horizonbuildersmo@gmail.com>, Tim Teddy <Timothy.Teddy@como.gov>, <Randall.Cole@como.gov>, Brent Brown

<brent@acivilgroup.com>, Cody Darr <cody@acivilgroup.com>, Kevin Murphy

<kevin@acivilgroup.com>, Will Scheible <Will@acivilgroup.com>

Subject: Re: Follow-up from yesterday's meeting

Ian and Mike

After some thought, Shannon and Justin have a counter proposal for you to consider.

Rather than pay \$44,000 to the CCLT we proposed that \$213 per lot be paid at the time of a building permit for every single family lot. This money would be ear marked for the CCLT. There are 165 lots so this would be a \$35,000 contribution. Having this payment in increments of \$213 over time helps us absorb the cost. This is necessary because the developer is not being compensated for this expense with bonus density or some other method common in inclusionary zoning.

We also require that the original zoning request we made is approved without alterations. This differs from the recommendation made by the Planning and Zoning Commission with the difference being we asked for and staff supported M-C on the corner of Prathersville Road. The Planning and Zoning Commission recommended that the corner be M-N with a vote 5-3. However, If you read the minutes you will see that the 3 votes against the recommendation were cast because those three commissioners thought it should be M-C and not

M-N.

I have copied Tim and Randy on this email because we need to understand how we are going to make this agreement. There is a development agreement prepared that this could be added to and we will need to get the legal department involved.

I am concerned from past experience with Brian Treece that he will think the developer is buying votes. I can imagine him turning this contribution into a reason to turn down the entire request.

We are responding to your request and we do expect the contribution to be contingent on the approval by the council of all our requests. So we need to deal with the perspective the neighbors and possibly others will have in a way that is clean and above board so as not to cause any unintended consequences for us or for the Trust, Staff, Yourself, etc. I am open to your suggestions on the best way to bring this contribution forward.

Once you let me know if this counter proposal is acceptable I will work with Staff to get the

development agreement amended.

Thanks

jay

Jay Gebhardt, PE, PLS
A Civil Group
3401 Broadway Business Park Ct., Suite 105
Columbia, MO 65203

Office - 573-817-5750
Cell - 573-864-9811

Jay@ACivilGroup.com

On Wed, Nov 14, 2018 at 8:21 AM Ian Thomas <ward4@como.gov> wrote:

Hi Jay:

Thank you for meeting with us yesterday afternoon.

Mike and I appreciate your engagement with the City's affordable housing initiatives and your willingness to explore ways to support those efforts. While it is too late for you to incorporate affordable homes into your development plan (as would be done under a traditional Inclusionary Zoning policy), your proposal to pay \$44,000 into the Columbia Community Land Trust (CCLT) is exactly the kind of important, symbolic gesture I was hoping for. In addition to providing CCLT with the approximate construction subsidy for one additional affordable home, it would pioneer the idea of using market-rate housing development to expand affordable housing for the community and help smooth the path towards an Inclusionary Zoning policy.

As City staff explained, it is not option to waive the green line water fee. However, if you and your development partners would be willing to make the payment to the CCLT as a unilateral contribution, Mike and I will both champion your project and urge other Council members to support the annexation, zoning,

and plat.

Let us know your thoughts.

Cheers, Ian

Ian Thomas

Columbia, Missouri City Council Member

ward4@como.gov, 573-239-7916

www.ianfor4th.com